

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LEWIS FOODS OF 42<sup>ND</sup> STREET, LLC, A  
McDONALD'S FRANCHISEE, AND  
McDONALD'S USA, LLC, JOINT EMPLOYERS,  
et al.**

**and**

**FAST FOOD WORKERS COMMITTEE AND  
SERVICE EMPLOYEES INTERNATIONAL  
UNION, CTW, CLC, et al.**

**Cases 02-CA-093893, et al.  
04-CA-125567, et al.  
13-CA-106490, et al.  
20-CA-132103, et al.  
25-CA-114819, et al.  
31-CA-127447, et al.**

**ORDER<sup>1</sup>**

Respondent McDonald's USA, LLC's request and supplemental request for special permission to appeal the February 9, 2015 Order of Administrative Law Judge Lauren Esposito denying its Request for Reconsideration Regarding Transcription of Conference Call are denied. The Respondent has failed to establish that the judge abused her discretion in denying the Respondent's Request To Create An Official Record Of The February 11, 2015 Teleconference.<sup>2</sup>

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Member Johnson agrees with his colleagues that the Respondent has failed to establish that the judge abused her discretion in denying the Respondent's request that the February 11, 2015 prehearing conference call be transcribed by a court reporter. Member Johnson regrets that the Board has taken so long to issue the order in this matter, and believes that the Board can and should achieve a more timely turnaround in the future on similar matters. However, Member Johnson notes that the Respondent did not file its request for special permission to appeal (208 pages long) until January 10, 2015, only one day before the prehearing conference was scheduled, and eleven days after the Judge first indicated that the prehearing conference would not be transcribed or recorded.

Member Johnson would like to remind all parties of the following, especially in the context of a massive case like this one, with near daily filings, which itself is only one of hundreds of cases pending before the Board in which there are also frequent filings. If parties need expedited consideration of issues, they should caption their filings accordingly, make the request clear in a motion, contact the Office of the Executive Secretary to inform the Board of the need for expedition, and make any other appropriate

Dated, Washington, D.C., April 21, 2015.

MARK GASTON PEARCE,	CHAIRMAN
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER

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effort to indicate to the Board the time sensitive nature of the request. Under Section 102.26 of the Board's Rules and Regulations, requests for special permission to appeal from a ruling of the judge, together with the appeal from such ruling, must be "promptly" filed. Although the term "promptly" is not specifically defined, common sense dictates that it be defined by the circumstances of each particular case. In this case, the Respondent waited until it was not practicable for the Board to consider the voluminous pleadings and then act in a timely fashion, especially given that the Respondent did not make a clear request for expedited consideration.